

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff

vs.

LUIS A. CASTRO-MORALES,
Defendant

Cr. No. 97-84-003 (PG)

URGENT MOTION REQUESTING TOLLING OF SUPERVISION TERM AND ISSUANCE
OF A SUMMONS

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, HUMBERTO MARCHAND, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of the releasee, Luis A. Castro-Morales, who on January 22, 1999, was sentenced to forty-six (46) months of imprisonment and three years of supervised release for committing embezzlement as an employee of the U.S. Department of Veteran Affairs. His term of supervised release is due to expire this coming December 6, 2004. As a special condition of his supervised release, he was ordered to submit to laboratory testing for substance abuse detection as required by the Probation Officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE
AS FOLLOWS:**

On November 30, 2004, the offender was instructed to submit to drug testing during an unscheduled office interview. He refused to provide the same indicating that he had just

Address: Urb. El Cortijo, Calle 3A # 009, Bayamón, PR 00956

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gone to the restroom and that he had to return to his job within an hour. He was asked to drink some water and wait in the reception area to allow some time in order to provide the urine sample. After a while, he alleged being unable to provide the urine sample and left the office indicating that he had to return to his job.

The next morning, he was instructed to report to the office to submit to drug testing. He provided a urine sample with a very small quantity. The same was sent for confirmation, since it yielded a presumptive positive to Amphetamine. When asked to provide a more sufficient sample, he again affirmed that he was unable to do so and that he had to return to work. He was instructed to report today at 9:00 a.m. to submit to drug testing again, but failed to do so.

WHEREFORE, in lieu of the aforementioned, it is respectfully requested that the Court order the immediate tolling of the supervision term pending the results from the laboratory, and that a Summons be issued immediately so that the offender may be brought before the Court for an order to show cause hearing. The Court will be immediately notified of any other behavior apparently indicative of stalling the drug test requirement.

In San Juan, Puerto Rico, this 2nd day of December 2004

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Humberto Marchand
U.S. Probation Officer
Federal Office Building, Office 143
San Juan, Pr 00918
787-766-5867
787-766-5945
humberto_marchand@prp.uscourts.gov

HM/mgm

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 30, 2004, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: U.S. Attorney's Office and Defense Counsel, Roberto Millán.

s/Humberto Marchand
U.S. Probation Officer
Federal Office Building, Office 400
San Juan, Pr 00918
787-766-5867
787-766-5945
humberto_marchand@prp.uscourts.gov

HM/mgm